

I know the President most recently has talked a great deal about this issue of fiscal responsibility. I thank him for that. I am hoping that tonight, when he delivers his speech, he talks about the fact that we in Washington have to have the same kind of discipline that all our folks back home have to live by. Again, this is something we have been working on for a long time. We have tried to work on it in a way that in no way points fingers. I think people understand that people on both sides of the aisle are responsible for our country ending up where it is fiscally. So we have tried to draft something that brings people together and that, for the first time since I have been here—I have been here 4 years, and I have been amazed at the lack of discipline that exists in Congress. We have no mechanism, no straitjacket, if you will, that forces us to act responsibly.

So over a long period of time we have worked to put together a bill—by the way, I think it is eight or nine pages long—that actually does that. It has a smoothing mechanism in it so that when there are gyrations in our economy—we know the Federal Government can't react quite as quickly as a State or city—that smoothing is averaged out so we know what the target is in the ensuing year. It has tight constraints. It requires a 67-vote majority or two-thirds of the Senate, two-thirds of the House to override. So it is a very strong bill. Again, I think people on both sides of the aisle are beginning to embrace this type of thinking.

It is my hope, again, as the President tonight, hopefully, talks responsibly about our fiscal state here in the United States, that this type of mechanism, if you will, gains momentum. It is also my hope that we will vote and pass something such as this, along with actual budget cuts prior to the debt ceiling vote. I think all of us know it would be very irresponsible not to act responsibly prior to this debt ceiling vote which will take place sometime in April, May or possibly June.

So I thank my colleagues for the time to talk a little bit about this, again, on the first day of us coming back together. I can't imagine anything more important for all of us to focus on than to get our fiscal house in order. I know the whole world is watching us.

I know people have said we in Washington don't have the courage to deal with this. I know the Presiding Officer has had to deal with this as the Governor of a State. I certainly had to deal with this as the mayor of a city and a businessman and financial commissioner of my State. We all know things are awry here. I think we have a wonderful opportunity, in a bipartisan way, to do something that puts our country back on strong footing.

Madam President, I yield the floor, and I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

BULLY OF BELARUS

Mr. DURBIN. Mr. President, during the recent 2-week recess, I was invited to speak to the Parliament of the nation of Lithuania in the capital of Vilnius. It was a great honor. This country holds a special place in my family. My mother was born in Lithuania. One hundred years ago this year, my grandmother brought her, her brother, and sister to America. My mother was 2 years old. They landed in Baltimore, and somehow our family found its way to meet up with my grandfather in East St. Louis, IL, where a lot of Lithuanian immigrants were coming to take jobs—hard, manual labor jobs, which immigrants took in those days and still do—manual labor jobs that gave them a chance they did not have in the old country.

I was asked to speak to the Parliament on the occasion of the 20th anniversary of what has come to be known as bloody Sunday. It recalls the time, 20 years ago, when Mikhail Gorbachev, as head of the Soviet Union, made his last, desperate, violent effort to stop Lithuania from breaking away from the Soviet Union.

I recall that period because I followed it closely as a Member of Congress. You can still see some details of what life was like in Lithuania under the Soviets. The old police headquarters, the KGB headquarters, has been preserved as a museum—basically, a horror museum to show and catalog the torture and killings that took place during Soviet rule.

In February 1990, the people of this tiny nation on the Baltic decided they had had enough. They swept the ruling Communist Party out of power in an open parliamentary election. A month later in March 1990, the new Parliament voted 124 to 0 to restore the country's independence. They were the first Soviet Republic to do so. It was bold. It was historic. That is when Gorbachev turned the screws. He ordered Soviet tanks and paratroopers to stop the breakaway effort of Lithuania.

In the early morning hours of January 13, 1991, 14 Lithuanians, just regular people, common people in the country, were killed and as many as 1,000 were rounded up by those the Economist magazine described as the "bullies of Vilnius."

The crackdown failed. By August of 1991, Lithuania had won its independence again.

Today, because of the brave efforts of those ordinary Lithuanians, it is a free country, it is democratic, chair of the Community of Democracies, is a member of the European Union, and one of America's allies in NATO.

Imagine my surprise at what I saw during a stop in the neighboring coun-

try of Belarus. I saw a step back into Soviet times, a step back into the barbarism we found in the KGB Museum in Lithuania. Sadly, though, this was not a museum show. It was real life.

Often known as the last dictatorship of Europe, Belarus has defied the democratic transformations that have swept across Europe following the collapse of the Soviet Union. The country has been ruled with an iron fist for most of the last few decades by a strongman, Alexander Lukashenko. In Lukashenko's two-decade-old totalitarian nightmare, opposition figures—anybody who had courage to step up and defy him—had been subjected to harsh repression and imprisonment. Over the years, those who might have been alternatives to Lukashenko in any election have disappeared or have been thrown in jail.

In fact, Lukashenko proudly still calls his police force the KGB.

In recent years, there was a glimmer of hope that perhaps Lukashenko was going to move away from his dictatorship. A Presidential election was scheduled for last December 19, one that some hoped would finally meet the most minimum international standards for democracy.

Those hopes were dashed when Lukashenko quickly claimed another term as President amid elections described by international monitors as seriously flawed. He ended up with 80 percent of the vote and said that was a good indication that it was a real election. He did not get 99 percent, as usual.

Lukashenko ordered his KGB thugs to brutally suppress opposition candidates, activists, and supporters who gathered in protest on election night in Independence Square in downtown Minsk in the nation of Belarus on December 19, last year. Six of the seven political opponents who ran against Lukashenko and more than 600 of their followers were arrested. Several of the Presidential candidates who are being held incommunicado still today face charges that can carry up to 15 years in jail. Their crime? They ran against him and they lost. They get to go to jail now.

Since then, Lukashenko's KGB has continued daily raids on the homes and offices of those with suspected ties to democratic parties and organizations, human rights organizations, and what remains of the independent media in Belarus.

Lukashenko has ignored election monitor reports questioning the credibility of the election and international demands to release all these political prisoners. He has pulled the country further into isolation and made it the subject of international scorn.

He follows the old Soviet playbook. His government has tried to blame outside forces in other countries, everyone but himself, for the shameful political mess he has created.

I was in Minsk last week, and I met with Sergey Martynov, who is the Foreign Minister to Lukashenko. He pleaded with me to give his "new democracy" credit, new democracy in Belarus. He said: Senator, you live in a country that has had democracy for 200 years; we have only had it for 20 years. He said: Give us credit. When we arrested all these people—including seven of the people who ran against him—we didn't use tear gas. There were no rubber bullets, no police dogs. Give us credit, he said.

No, I said, you didn't use those tools, but you systematically arrested and threw into jail everybody who ran against you. That is not even close to democracy.

I had the chance to meet with some of the family members of those who are in jail. I could not help but think that just a few hours before I had been in Lithuania, a 3-hour drive from Minsk in Belarus, where 20 years ago ordinary people, such as these families, stepped up and said: We are willing to fight for freedom. Fourteen of them lost their lives and 1,000 were injured—just ordinary people. These are not the political class. These are folks who are sick and tired in Belarus of the authoritarian rule.

I wish to show some of the people I met who I think are worth being part of the record today.

First—and this was in a meeting established by our consulate in Minsk, Belarus. They threw out our Ambassador a few years ago. So we have five people trying to represent the United States of America in this country. Bless them for trying. It is a hard job. They are constantly monitored, eavesdropped, followed. Life is not pleasant. When we start getting down on people working for the United States of America, remember these five who are risking their lives for us every day so there is an outpost for the United States and for freedom in this authoritarian country.

This lady was at the meeting in the consulate. Svyatlana Lyabedzka is the wife of Anatol Lyabedzka, chair of the United Civic Party. Anatol has been regularly harassed, fined, and imprisoned for his political activities. In 2004, he was severely beaten by Lukashenko's police force.

His wife told me, in tears, that her husband has been taken away to jail and she has had no information about him. That has been almost 1 month. She does not know what is happening to him or where he is being held.

The second person I would like to make a part of this record is Tatsyana Sevyarynets. She is the mother of Paveal Sevyarynets, the head of Presidential candidate Vital Rymasheuski's campaign. He has already served several years in jail for protesting previous sham elections in Belarus. That is right, thrown in jail while protesting rigged elections, when it is those doing the rigging who ought to be in jail. Her letters go unanswered. Her complaints

filed against the government have been ignored. She has been prevented from traveling, and her passport has been taken away for some time. She told me it is impossible to find an explanation for what is happening. "My son has been persecuted for 16 years."

This photo shows—forgive me as I struggle with these names. These people deserve better. I will do my best—Kanstantsin Sannikau, Ala Sannikava, and Lyutsina Khalip. These three were at the meeting.

Kanstantsin and Ala are the son and mother of a detained Presidential candidate, Andrei Sannikau.

Ala told me, in tears, that she had no contact with her son for 14 days, nor had his lawyers. She had no information on his condition.

Lyutsina is the grandmother of the candidate's 3-year-old son Danil. You might have read about this little boy in the newspaper. What Lukashenko did was arrest this Presidential candidate and his wife and then said the State was going to take custody of his 3-year-old child. The grandmother stepped up and said: I will take custody. I will take care of the boy. For the longest time, it was in doubt whether he would remain with the family. They relented yesterday and said the boy could remain with the family.

This is a picture of him—a cute little fellow, Danil. In Belarus, not only did they arrest the candidate Sannikau but they take the boy out of the house and family. That is what they planned on. When they arrested the wife Irina, a journalist and automatically considered dangerous in Belarus, they decided to go after her child. The grandmother fought a winning battle and now has custody of the child.

Let's hope America's attention and the world's attention will make a difference.

The last one I wish to show is particularly compelling. Milana Mikhalevich is a 34-year-old mother of two whose husband Alex was also a Presidential candidate. She told me of her harassment by Belarusian officials since her husband's arrest. Mr. President, 34 years old, and this young woman was standing there with this beautiful little girl, scrambling around on the floor all around her. She had a 10-year-old at home. She was trying to describe how she was keeping things together, while her husband, who had the courage to run for President and lose against the dictator Lukashenko, sat in prison.

Incidentally, they do not get attorneys. That is not part of the deal. Anyone who says they will defend the people arrested is subject to disbarment as an attorney and charged with crimes themselves. It is not exactly a fertile field of attorneys stepping up to represent these people. They take their lives in their hands to do so. The families have no access, no communications, no correspondence, no way of visiting those in prison. They have no idea when they are going to be charged

or tried. There is no indication that there is going to be a public trial.

This is going on in Belarus today, and this woman with her little girl is trying to figure out when and if she will ever see her husband and the father of this little girl again.

The nightmare she described to me was incredible. She literally has had her house raided by the Belarusian KGB. She has been stopped from going to Poland, where she was trying to find support for her husband. She doesn't even know how he is, physically.

I was so glad to be in Lithuania and to join in the celebration of their quest for freedom and independence. After 20 years pass, sometimes you forget how much courage it took for that to happen. But a 3-hour drive from Vilnius to this event in Minsk reminded me. These people in Belarus are waging the same battle today that was waged in Lithuania and so many other places many years ago. They are trying to find the thing we in America take for granted every day—freedom, the freedom to practice the religion of their choice, the freedom to write a newspaper or do a blog, the freedom to vote for the candidate of their choice, their freedom to oppose government policy. As a result they have been arrested and imprisoned.

I am calling on the government of Belarus to immediately and unconditionally release these political prisoners. The fact they continue to languish in jail without access to family, lawyers, or medical care is an outrage and an embarrassment to Europe and the world. These actions show the desperation and fear of a dictator whose reign belongs in the dustbin of history.

The European Union will decide by the end of January whether Belarus should face renewed sanctions, including targeted travel and asset freezes against Lukashenko and his top elite political figures. The United States should waste no time joining this effort. I have spoken directly to Secretary of State Hillary Clinton. She understands, as I do, what is at stake here is today's fight for freedom. What is in question is whether the United States will stand and fight with these families. The European Union is prepared to lead and we should be by their side. We should be working together to put the pressure on this dictator to tell him in the 21st century there is no place for the bully of Belarus and the terrible oppressive tactics in which he has engaged.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. I thank the Chair.

(The remarks of Mr. WHITEHOUSE pertaining to the introduction of S. 45 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WHITEHOUSE. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 112 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHANNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska is recognized.

AMERICA'S COMPETITIVENESS

Mr. JOHANNIS. Mr. President, as we look forward to tonight's State of the Union Address, we are hearing a lot of talk about jobs and the United States being more competitive. Unfortunately, the American people have heard the talk, they have heard the rhetoric, but they do not see the concrete action that is going to make a difference. The time for talk really is over.

Today, I am introducing three concrete measures to unleash American competitiveness and lift barriers to American job creation.

First, we must unbridle our job creators from the onerous 1099 tax paperwork mandate that is buried in section 9006 of the health care bill. Behind the scenes, for the past few weeks there has been growing bipartisan support for this important piece of legislation. In fact, now I can report that 50 Senators have signed on as cosponsors, including, I believe, 10 or 11 of my colleagues from across the aisle. Successful passage of this repeal would send an enormously powerful message. It would declare that the 112th Congress will come together to remove barriers to job creation. Left unabated, though, this avalanche of paperwork will simply bury businesses. If a business purchases more than \$600 of goods or services from another business, it will be required to provide the business and the IRS with a 1099 tax form. This new mandate will affect all kinds of businesses in the country. It also will include nonprofits, churches, local governments. This small section of this 2000-plus page bill is causing massive confusion and, I might add, outrage across the country.

Although this mandate was included in the health care law, it has abso-

lutely nothing to do with improving health. Rather, section 9006 was included because it would supposedly generate money to help pay for the bill. But the National Taxpayer Advocate, a division of the IRS, does not buy it. Their analysis took all the air out of the argument by concluding that the IRS would "face challenges making productive use of this new volume of information." The analysis adds that the IRS likely would "improperly assess penalties that it must abate later, after great expenditure of taxpayer and IRS time and effort."

This mandate was ill-advised, and it is not responsible policy. We can do better, and the time is now. The President himself is talking about ridding the books of outdated regulations. We should not overlook this new regulation that will smack businesses if we fail to repeal it. It will inflict a mountain of paperwork on an estimated 40 million business owners across this Nation, and it stands in the way of job creation.

It is going to have an impact in Nebraska, there is no doubt about that. In fact, as I have traveled back home, I have been inundated with stories about business owners who are bracing for the impact.

Jeff Scherer of Smeal Manufacturing Company in Snyder, NB, says the bill will lead to an additional \$23,000 in accounting costs. Being able to invest that \$23,000 into a company will go a long way toward helping justify business expansion.

Another real-life example from Nebraska is a company called Hayneedle. Hayneedle is an online retailer of home furnishings and other home products located in Omaha, NB. Hayneedle employs 400 people. Prior to the 1099 tax reporting mandate, Hayneedle issued approximately 150 1099 forms annually. Now this great company will be required to issue thousands more tax forms every year. They will be required to track payments for everything from a computer to rent to office supplies. Simple expenses such as food purchases for employees would have to be counted and traced. The company estimates that the annual cost of compliance will exceed \$100,000—useless paperwork. That \$100,000 would go a long way toward hiring more workers.

In addition, the thousands of Hayneedle's vendors will be required to complete and return to Hayneedle a form W-9. This means Hayneedle will be required to review and process and oftentimes correct those forms and then issue a 1099 to the vendors. It is a mad circle for no good even.

If the 1099 law is not repealed, it will waste vast quantities of capital and human resources. Squandering these resources will stunt their ability to grow their businesses. Our Nation needs more employers like Hayneedle and Smeal Manufacturing to continue growing and putting people to work. Considering the high unemployment rate plaguing every State in the coun-

try, it is incomprehensible that we keep this in place.

This new 1099 reporting requirement will have an especially detrimental effect on small businesses in our local communities. For example, the new 1099 reporting requirements create a perverse incentive to consolidate suppliers, which leaves Main Street businesses out in the cold. You see, businesses will likely reduce the number of vendors they work with to reduce the paper transactions to avoid the \$600 limit and avoid the paperwork.

When suppliers are consolidated, you can bet that suppliers will lose out. Kentucky Fried Chicken restaurant owner Dale Black of Grand Island says it best. He says this: He "wants to be a good corporate citizen in the communities I have restaurants, but the 1099 forces me not to hire local vendors and tradesmen in my community; instead giving work to a single regional contractor."

The IRS's own Taxpayer Advocate appears to agree, saying:

Small businesses may lose customers, leave the economy with more large national vendors and less local competition.

Now, I am certain the goal was not to strangle small-town economies, but it is the unintended consequence and reality of this new mandate. We need to look for ways to help small businesses, not hamper them. But there is no way to talk around this provision, to spin it. It is simply brutal for the American business community.

Businesses cannot afford the new burden. They are imploring us to help them. That is why the Small Business Paperwork Mandate Elimination Act, introduced today with that many cosponsors, simply needs to become the law. Repealing this mandate is going to be a joint effort of all of us in the Senate, and my hope is it will be done.

In fact, there is something else we can support to create an estimated 27,000 new jobs, and it does not cost taxpayers anything. I am referring to the second piece of my American competitiveness and jobs package, our three pending trade agreements. Unfortunately, with our economy struggling, this issue has been given lip service for the past couple of years. Although our President mentioned this topic almost 1 year ago, we have seen virtually no action. During last year's State of the Union Address, the President boldly stated:

We have to seek new markets aggressively, just as our competitors are. If America sits on the sidelines while other nations sign trade deals, we will lose the chance to create jobs on our shores.

I could not agree more with his statement. The next day I offered a letter to the President with 17 Senators offering our help and our support. But, unfortunately, a year later, there has been little action. The White House has not sent to us the three trade agreements that are sitting on the shelf collecting dust. It is an unfortunate squandering of a sorely needed opportunity.